

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed February 8, 2007. Through this response, claims 1, 11, and 15 have been amended. Reconsideration and allowance of the application and pending claims 1-20 are respectfully requested.

I. Specification Objection

The title has been objected to as allegedly not descriptive. Although Applicants respectfully disagree, in the interest of advancing prosecution on the merits, Applicants have amended the title as set forth above. In view of these amendments, Applicants respectfully submit that the specification is not objectionable, and therefore respectfully request that the objection be withdrawn. To avoid confusion, applicants will retain the pre-amended title until the next response.

II. Claim Rejections - 35 U.S.C. § 102(e)

A. Statement of the Rejection

Claims 1-6 and 9-19 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Takahashi et al.* ("Takahashi," U.S. Pat. No. 2004/0004671). Applicants respectfully submit that the rejection has been rendered moot through amendment. Additionally, Applicants respectfully submit that claims 1-6 and 9-19 are allowable over the art of record.

B. Discussion of the Rejection

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates*,

Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983).

Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claims is represented in the *Takahashi* reference. Applicants discuss the *Takahashi* reference and Applicants' claims in the following.

Independent Claim 1

Claim 1 recites (with emphasis added):

1. A system which docks a camera, comprising:
a base; and
a platform configured to dock with the camera and configured to couple to the base such that the ***platform may be rotated relative to the base and about an axis of rotation.***

Applicants respectfully submit that *Takahashi* does not disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Because independent claim 1 is allowable over *Takahashi*, dependent claims 2-6 and 9-10 are allowable as a matter of law for at least the reason that the dependent claims 2-6 and 9-10 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 11

Claim 11 recites (with emphasis added):

11. A method for docking a camera, the method comprising the steps of:
coupling the camera to a docking station platform; and
rotating the camera relative to the base and about an axis of rotation, the rotation permitted by the docking station platform configured to couple to a docking station base such that the docking station platform may be rotated about the axis of rotation.

Applicants respectfully submit that *Takahashi* does not disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Because independent claim 11 is allowable over *Takahashi*, dependent claims 12-14 are allowable as a matter of law.

Independent Claim 15

Claim 15 recites (with emphasis added):

15. A system for docking a camera, comprising:
means for physically coupling the camera to a docking station platform;
means for communicatively coupling the camera to a docking station platform; and
means for rotating the camera relative to a docking station base and about an axis of rotation, the rotation permitted by the docking station platform configured to couple to the docking station base such that the docking station platform may be rotated about the axis of rotation.

Applicants respectfully submit that *Takahashi* does not disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Because independent claim 15 is allowable over *Takahashi*, dependent claims 16-19 are allowable as a matter of law.

Due to the shortcomings of the *Takahashi* reference described in the foregoing, Applicants respectfully assert that *Takahashi* does not anticipate Applicants' claims. Therefore, Applicants respectfully request that the rejection of these claims be withdrawn.

III. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims

Claims 7, 8 and 20 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Takahashi et al.* ("*Takahashi*," U.S. Pat. Pub. No. 2004/0004671) in view of *Rudduck et al.* ("*Rudduck*," U.S. Pat. Pub. No. 2003/0075603). Applicants respectfully submit that the amendments to claims 1 and 15 have rendered the rejections moot. Further, Applicants respectfully submit that claims 7, 8, and 20 are allowable over the art of record.

B. Discussion of the Rejection

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquiries, also expressed in MPEP 2100-116, are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record.

Claims 7, 8, and 20

As set forth above, Applicants respectfully submit that *Takahashi* does not disclose, teach, or suggest at least the above-emphasized features of claims 1 and 15. Further, applicants respectfully submit that *Rudduck* fails to remedy these deficiencies. Accordingly, Applicants respectfully submit that claims 1 and 15 are allowable over the

art of record. For at least the reasons that claims 7, 8, and 20 incorporate allowable claim features of their respective base claim, Applicants respectfully submit that claims 7, 8, and 20 are allowable as a matter of law, and hence respectfully request that the rejection be withdrawn.

IV. Official Notice

With regard to the finding of well-known art (page 8 of the Office Action) as directed to claim 7, Applicants respectfully traverse this finding and submit that the subject matter pertaining to these claims should not be considered well-known given the complexity of the features described in independent claim 1 from which claim 7 depends. Additionally, even assuming *arguendo* that some features of claim 7 are shown in *Rudduck*, the admission of which is neither expressed nor implied, Applicants respectfully submit that the disclosure in a single piece of art is not enough to conclude that the feature is notoriously well-known. As provided in MPEP § 2144.03:

Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, 424, F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute" (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)).

As provided in MPEP § 2144.03 (emphasis added):

If applicant adequately traverses the examiner's assertion of official notice, *the examiner must provide documentary evidence in the next Office action* if the rejection is to be maintained. See 37 CFR 1.104(c)(2).

Applicants respectfully submit that in the context of the claim language, such a finding of well-known art is improper given the reasons above, including the added complexity associated with such features as described in claim 1 and 7. Accordingly, Applicants traverses the assertions with regard to well-known use. Because of this traversal, the Office must support its findings with evidence, or withdraw the well-known determination.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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